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BIENNIAL MESSAGE

... OF ...

LESLIE M. SHAW

GOVERNOR OF THE STATE OF IOWA

... TO THE ...

TWENTY-EIGHTH GENERAL ASSEMBLY

JANUARY, 1900

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GOVERNOR'S MESSAGE.

To the Senate and House of Representatives of Iowa:

In obedience to constitutional requirement, I have the pleasure of submitting to your honorable body the following statements concerning the condition of the state, together with some recommendations for legislative consideration.

Never in our history has labor found more ready employment or more liberal remuneration; never has agriculture generally been more prosperous or yielded better returns; never has business been more universally active or reasonable profits for invested capital more secure; and never were the finances of the state in a more satisfactory condition than at the present hour.

At the beginning of the last fiscal term, there were unpaid warrants outstanding to the amount of \$447,500.73. At the same time there was cash in the treasury \$36,672.96, leaving the net indebtedness of the state \$410,827.77. Of the outstanding warrants, the sum of \$363,834.84 was drawing interest, the accrued amount of which at that time increased this indebtedness by an unascertained sum. Moreover, there remained of special appropriations made by the Twenty-sixth and former General Assemblies the following amount, against which warrants had not yet been drawn: \$308,437.61. There was, therefore, to be paid out of the revenues of the then succeeding term \$719,265.38, besides the interest on the outstanding warrants, in addition to the ordinary expenses of the biennial period and the extraordinary expenditures that the Twenty-seventh General Assembly might authorize.

It is gratifying to know that the judicious provisions made by the Twenty-sixth and Twenty-seventh General Assemblies, for the increase of public revenues on the one hand, and the reduction of expenditures on the other, enabled the state to meet all its obligations, past and current, and to accumulate in the treasury, at the end of the fiscal term under review, a

surplus of \$414,294.02 over and above all outstanding warrants, subject, however, to the yet unexpended appropriations of the Twenty-seventh and earlier General Assemblies. Of these, less than \$200,000 remained undrawn at the end of the fiscal term. With these amounts all expended, there will remain fully \$220,000 to meet the expenditures of the current term.

The receipts of general revenues during the fiscal term from July 1, 1897, to July 1, 1899, aggregated \$5,079,403.29
The treasury balance July 1, 1897, was. 36,672.96

Total revenues for the term \$5,116,076.25
Against this sum warrants were
drawn during the term \$4,196,494.93
Deduct all outstanding warrants at
the end of the term 30,708.35

Warrants paid during the
term \$4,165,786.58
Add amount of outstanding warrants at beginning
of term 447,500.73
Interest thereon paid 57,786.57
Treasury cash June 30, 1899. 445,002.37

Total \$5,116,076.25
At the close of business on December 30, 1899, the treasury
showed as follows:
General revenue \$ 566,970.33
Outstanding warrants at that date 29,710.36

Net surplus \$ 537,259.97
On December 31, 1897, the outstanding warrants
aggregated 579,966.00
Cash in treasury 108,645.47

Leaving a net indebtedness of \$ 471,320.53
The treasury is thus in better condition than it was two
years ago by \$1,008,580.50.

The surplus of \$537,259.97, shown above, is subject to reduction by the special appropriations of past general assemblies, yet undrawn amounting to less than \$100,000.

The auditor of state estimates the receipts for the current term at \$4,564,200; and the expenditures, without any special appropriations made by the Twenty-eighth General Assembly, at \$3,577,428; giving a surplus of receipts for the current term of \$986,777. Adding to this sum the balance of \$220,000 cash in the treasury at the end of the fiscal term in excess of outstanding demands and undrawn appropriations, gives fully \$1,200,000, which this general assembly can safely appropriate for special purposes. The above estimate assumes that the annual levy will be continued at the present rate. I believe, however, this can be reduced to at most two and one-half mills for general revenue, and three-tenths of a mill special levy for purposes of higher education, making an aggregate of two and eight-tenths mills as against an even three mills at present. In view of the constantly increasing expenses of the state, incident to a rapidly growing population, and ever-multiplying number of wards of the state, coupled with a noticeable reduction in the aggregate assessments, the rate suggested is quite low—very considerably lower than in most states of the Union.

Iowa is exceedingly fortunate in her banking interests. She has more banks than any other state in the Union, and the condition of these institutions is very encouraging. At the date of the reports of incorporated banks nearest the first of October, 1897, the bank deposits of Iowa were as follows:
State and savings banks \$ 50,491,525.61
National banks 27,502,301.25
Private banks (estimated) 25,000,000.00

Total \$102,993,826.86
At the date of their last reports, the deposits were as follows:

State and savings banks \$ 81,476,791.67
National banks 42,238,769.18
Private banks (estimated) 40,000,000.00

Total \$163,715,560.85
An increase of over 55 per cent in two years.

Of the more than \$110,000,000 held by national, state, and private banks, investigation convinced me that certainly over one-half is owned by farmers; and the \$51,000,000 on deposit

in savings banks is held almost exclusively by wage-earners and people of limited income. Unquestionably the proportion of uncumbered farms in the state exceeds that of any other period. In addition, the value of all agricultural lands and of farm animals has very materially appreciated within the last few years.

Under these favorable conditions, I think the Twenty-eighth General Assembly will be justified in making somewhat more liberal appropriations than in former years. Great care, however, should be exercised, for it must be borne in mind that it is easier for a state, as well as for an individual, to incur a liability than to discharge one.

The ever-present temptation to plan only for to-day, and to build temporary sheds where permanent structures are needed, should so far as possible be repressed. Iowa will appear on the map of the world forever, and her population will multiply with the years. Wise planning for the future distinguishes the statesman from the mere politician. I think, therefore, in expending the somewhat more than a million dollars now or soon to be available, at least a portion should be so placed as to furnish enduring evidences of your wisdom.

BOARD OF CONTROL.

The Twenty-seventh General Assembly made provision for a board of control, which, for nearly two years, has had the management of all our state institutions, excepting those purely educational. The policy thus inaugurated has resulted in a very considerable saving to the state, and in addition the service at most of the institutions, I am persuaded, has been improved. When the amount of work necessary to reorganize the operative force of thirteen state institutions, and personally examine the practical operations of each, to inaugurate a system of bookkeeping applicable to each institution separately and to all jointly, to install a main office at the capitol with its corps of untried clerks and assistants is considered, it must be conceded that the three men composing this board undertook, on July 1, 1898, an Herculean task. The results show more clearly than any words of mine how conscientiously this duty was undertaken and how earnestly, faithfully, and untiringly it has been prosecuted. To justify the board of control system, it is not necessary to defend each separate act, or to indorse

the policy of the board in every particular. If errors have been committed, the lessons taught thereby will not need repeating. Time will strengthen that which is weak, and experience will supply whatever may be wanting.

The report of the board is so full, and comprehensive, that it will not be necessary for me to refer to our several eleemosynary, penal, and reformatory institutions in detail. I commend the report itself to your careful personal perusal and consideration. It sets forth at some length the various needs of the several institutions under its management. For all necessary demands, it will be the duty of this general assembly to make provision.

Great care should be exercised that the revenues of the state be not wasted; but, while this is true, the unfortunate inmates of our hospitals for the insane, the Institution for the Feeble-Minded, the College and the Industrial Home for the Blind, the School for the Deaf, the Soldiers' Orphans' home, and especially the Soldiers' home, should be cared for—not lavishly, but liberally. The people of the state will approve a policy that insures ample food and suitable clothing for the inmates of all these institutions, and the employment of teachers, where required, the equal in qualification and aptness with those engaged by public school boards to instruct the more fortunate. It is idle to suppose that equivalent talent can be obtained to teach the same branches to the deaf, the blind, and the feeble-minded at less wages than are paid amid more congenial surroundings. Intellectual ability and skill have a market value; and the state or individual that buys below current rates will receive corresponding service. The dominant sentiment of Iowa is favorable to good wages, and the state should not by example teach private corporations lessons in economy at the expense of labor. All that the people of the state of Iowa require is 100 cents in service for each dollar expended, and no one need ever expect more. The board of control will neither squander nor recklessly expend any appropriation the general assembly may place at its disposal.

The several institutions under the control of the board have in the aggregate 4,189 acres of land, valued at \$300,849. The buildings thereon are valued at \$7,432,735, and the personal property at \$597,134.77, making a total of \$8,380,718.77. There were being cared for at these institutions June 30, 1899, 6,980 persons.

| | |
|--|-----------------|
| There was expended during the period for the support of inmates..... | \$ 2,114,619.75 |
| For improvement to buildings and grounds | 452,653.80 |

| | |
|--------------------------------------|-----------------|
| Total expenditures of the term | \$ 2,567,273.55 |
|--------------------------------------|-----------------|

Of the support fund \$1,148,126.80 was expended the first and \$966,492.95 the second year of the biennial period—a difference of \$181,633.85 in favor of the last year of the term.

PUBLIC SCHOOLS.

The public school system of Iowa has had many encomiums pronounced upon it, and needs none from me. To say that it was never better, or that no state in the union has ever pursued a wiser policy, is not equivalent to saying that ours cannot be improved. To say that it has accomplished great things for the people of our state does not imply that it cannot be made more efficient. Within the memory of persons now living, women were denied a college education, and the first woman to be graduated from any coeducational institution of learning, if now living, is but little past the prime of life. A revolution has been wrought in these matters; and, while no one would return to former conditions, yet a system which results in the graduation of 1,839 young ladies from the high schools of Iowa the current year, and only 954 young gentlemen, is weak at a vital point. These graduations are from town and city schools, for rural districts do not generally afford high school privileges. That town and city schools are superior to those in rural districts will be readily observed as soon as the policy pursued by each is compared. As soon as a girl arrives at the age of 17, she finds ready employment as the mistress of a country public school. If she proves to be proficient, and possessed of aptness to teach, after a few terms in some summer school or perhaps a year of normal training, and after having attended a few county institutes, she may secure a position, at better wages, in an intermediate grade in town, where her efforts are supplemented by the supervision of a principal or a city superintendent of schools, whose talents command from \$1,200 to \$3,000 per annum. Here she has also the advantages of regular teachers' meetings, and association with advanced scholarship and skill. If she still improves, she may be promoted to the primary department at yet increased wages, for it is now recognized

that the best talent is demanded in the primary teachers. Or, if after alternating in teaching and attending school she obtains a collegiate education, she may secure a position in a city high school. But if she makes little or no improvement she will continue in the rural districts, with no supervision other than a county superintendent, who, owing to his varied duties and extensive field, is necessarily unable to examine her work very often, if ever. Let this custom be continued, and boys will not remain in school, as in former generations, until past school age; and, so long as a majority of the teachers, in town and city schools, are women and girls, so long will a majority of the graduates be of the same sex. Our girls should be educated; but that does not imply that our boys should not be, and a policy that retires the latter from school, at 14 and 15 years of age, needs amendment.

In several counties of the state the experiment has been tried of maintaining a central township graded school, to and from which the pupils are conveyed in carriages, at public expense. Wherever this plan has been adopted the results have been most satisfactory. The enrollment has been thereby invariably increased, and the attendance has been more regular; better teachers have been employed, with correspondingly improved scholarship, and in addition the expenses have been very considerably reduced. This is the experience also of other states where the practice has become quite general. I think this plan should be encouraged by specific legislation. I am not prepared to advise that, at present, it be made universal. It is probable that the erection of no more single room subdistrict schoolhouses should be permitted. Some encouraging legislation should, I think, be enacted looking toward the establishment of graded schools within easy access of every farm in Iowa. This can be accomplished gradually, by replacing existing schoolhouses with central two or more room buildings, as fast as occasion to rebuild arises. The vocation of the farmer, which is so admirably adapted for rearing industrious, and therefore self-supporting, children, must not become offensive because of the want of school privileges. The generation now represented by the youth of Iowa corresponds in outward conditions to that from the Atlantic states which controlled the affairs of this nation—politically, educationally, professionally, and commercially—a half century ago, and to the generation, reared in the states bordering the Alleghanies, which is now in

control. The children of the Mississippi valley will be in command in turn, and they, like their predecessors, will be the sons of the first progressive, ambitious generation. They will have been bred, born, and reared amid industrious and hopeful surroundings; and in the future, as in the past, a goodly percentage will be from the rural districts. It should be the privilege of the general assembly to make the best possible provision for the development of the intellectual resources of Iowa, which have never been equaled by any generation, and are not likely soon to be excelled.

In this and kindred matters economy is not the synonym for statesmanship. With a central graded school in each township, and with a superintendent of these schools at such a salary as will command the best talent in the market, to be selected by a board in the same manner as city superintendents are chosen, and the employment of a corps of matured teachers, a fair proportion of whom should be men, would wonderfully augment the effectiveness of our educational system, and insure the retention in the schools of our boys as well as our girls.

NORMAL SCHOOLS.

The foregoing observations naturally lead to the question of normal schools. Iowa possesses one such institution under state control and management. This has facilities to reasonably accommodate six hundred pupils. During the last year the attendance has averaged over one thousand. A better class of students never congregated. They are not sent to the State Normal school in the fond hope that they may develop into something, at some time, but they come voluntarily and many of them at their own expense, with the settled purpose to make men and women of themselves, to take their places in the battle of life, and to bear their share of the world's burdens. The school is grossly overcrowded. I do not believe its capacity ought to be materially increased. There is a limit in number over which an instructor can exercise a personal influence. Until character is firmly established, and the bent of attainment and desire well fixed, the best results have ever been accomplished by comparatively small institutions, even when the equipment has been below the standard. Afterwards, the great university, with its thousands of students, has its place. From seven to eight

hundred pupils is, in my opinion, the maximum for any one normal school. I should be glad to see a state normal established on each of the great trunk railways of Iowa. I think it would be better to locate them thus than to follow geographical divisions, for the reason that distance is not so important a factor as accessibility. It is frequently more difficult to compass thirty miles north and south than to cross the state from east to west. There are quite a number of localities ready, and anxious, to make to the state donation of spacious grounds and suitable buildings, already erected, adequate for a school with an attendance of from two to five hundred. Other communities are willing to donate grounds and subscribe the needed money to build. I think it would be both wise and prudent for the general assembly at this session to locate at least four normal schools. Forty or fifty thousand dollars in property can be secured as a donation with each school thus located. This would equal an appropriation of two hundred thousand dollars. It would cost less to put these schools in operation than to build the equivalent in additions to the existing plant, and be much more advantageous to the patrons than one gigantic institution, where student influences are quite liable to overbalance that of teachers and instructors. Five normal schools will not be an oversupply for Iowa. Massachusetts has ten; New York twelve; Pennsylvania thirteen; Wisconsin, with a less population than Iowa, already maintains seven; while Minnesota and Missouri each has four; and Illinois is building her fifth.

In the absence of some affirmative legislation looking to the speedy establishment of more normal schools under state control, I think some encouragement should be extended to private and denominational colleges that are now maintaining, or that may elect to maintain, a normal department the equivalent in grade to that established by the state. What Iowa needs is educated teachers. This she ought to provide for by furnishing the requisite facilities for educating and training them. But, so long as the state fails to do this, she ought to reward the enterprise and philanthropy that seek to meet the demand. I see no reason why the board of educational examiners may not be safely empowered to prescribe a course of study, and professional training, which, if adopted and carried out in private schools, shall entitle the graduates therefrom to the same official recognition, and to the same class of diploma

and certificate, as are accorded those who complete the same course in the one school maintained by the state. Why compel the prospective teacher, from lack of accommodations in state normals, to attend a school maintained by private enterprise, and then deny equal advantages for the equivalent in training and education? At present the few teachers who are educated in our one normal school, as well as the graduates from the various colleges of the state who choose teaching as a profession, are eagerly sought and employed by town and city boards. My contention is that the rural districts require, and are entitled to the services of, as good teachers as towns and cities. If this demand shall be even partially met, increased facilities of some kind are imperative.

STATE UNIVERSITY.

The general assembly will, of course, carefully examine the report and recommendations of the board of regents of the State University. Here increased appropriations are also asked, and are much needed. I think it can be safely said that no university has ever accomplished more with such limited means. Certainly, no money has been squandered, and the results have been phenomenal. In view of the existence of a large number of denominational institutions in the state, most of them furnishing excellent opportunities for the acquisition of what may be called a collegiate education, it would seem to me unwise to leave our State university a university in name only, but a college in fact. Professional departments do not differentiate a college and a university. The state should provide that which private enterprise and philanthropy do not. The State university should be made the center around which all public and denominational schools and colleges should cluster, and it should be able to furnish the graduates from all these institutions university advantages. The people of Iowa are prepared, in my opinion, to welcome a new era of university influence. This can be brought about only by a more liberal policy, which will be found conservatively outlined in the report of the board of regents.

The Twenty-sixth General Assembly directed the levy of a special tax of one-tenth of one mill per annum for five years for the improvement fund of the University. The Twenty-seventh General Assembly continued this tax for one year. This enabled the board of regents to act intelligently and with full

knowledge of the amount to be realized from the appropriation. The result is a much needed collegiate building, which, when completed, would be an honor to any educational institution in the United States. I think this special tax can be safely continued for an additional five years. Lest it appear excessive, it may be well to know that even with this special appropriation the University of Iowa is not being dealt with very liberally. The present income of this institution can be doubled and still be below the average of similar institutions in other states. Nebraska expends annually over \$280,000 in support of its university; Minnesota and Illinois each expends over \$350,000; Wisconsin over \$400,000; and Michigan over \$500,000; while the annual income of the State University of Iowa is \$150,038. Iowa cannot compete with other states without fearlessly meeting the conditions.

COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

From information received from the highest authority, I am convinced that the College of Agriculture and Mechanic Arts of Iowa comes nearer conforming to the purposes contemplated in the act of congress, appropriating land in aid thereof, than any similar institution in the United States. It is not easy to overestimate its value to the state and nation. The art of farming is quite well understood, and practiced, but the science of agriculture is yet in its infancy. Modern invention has revolutionized methods, but it has not modified or affected the philosophy of animal or plant life. There are thousands of men in the state who have learned from observation and experience how to feed a steer, or a pig, so as to produce beef and pork at a profit of from ten to twenty-five per cent; a somewhat less number have learned in similar ways to feed a cow so as to produce milk and butter at a profit of from twenty to fifty per cent; but there are comparatively few who scientifically understand the essential elements required for the production of bone, and muscle, and fat and milk and butter; and fewer still who know how to feed the rich soils of Iowa so as to afford 100 per cent of profit on the cost of fertilization.

Within the century the older mothers of the neighborhood prescribed traditional remedies for all the more common maladies of our race; while ailments of stock were treated by ubiquitous and untutored jacks-of-all-trades, who, for instance,

administered chunks of salt pork covered with soot to replace a supposed lost cud. Now both are placed in the care of men skilled in their profession and educated in schools for their special preparation. But while diseases of men and beasts are being studied, and adequate remedies provided, who even professes to understand the pathology of plants? and who is prepared to treat scientifically diseased crops or diseased lands? These subjects are all taught and practically demonstrated at our College of Agriculture and Mechanic Arts.

The future of agriculture—therefore the future of Iowa—is most promising. A quarter of a century hence, and possibly in less time than that, the population of the United States will be sufficient to consume the present annual product of our farms. Our lands in the meantime will have materially appreciated in value; a more diversified system of agriculture will have been adopted, and the productiveness of our 56,000 square miles of land will, at least should, be increased fifty per cent. This can be accomplished only by a careful study of soils, of plant-life, and of animal husbandry, and by putting the scientific knowledge thus acquired into practical operation. Theory is not always practical, but truth is. Whatever is practical is philosophically correct, and whatever is scientifically true must of necessity be practical. An experiment station is maintained at our College of Agriculture and Mechanic Arts, where theories are put to practical tests, and the results are published for the information of the farmers of our state; thus benefiting not only the pupils, but all who will take the trouble to read the bulletins.

It was the avowed intent of Mr. Morrill, the originator of the measure, and of all friends of the grant of lands in aid of this institution, to establish a school for the special preparation of men and women for industrial pursuits. The departments of civil, mining, electrical, and mechanical engineering, and many others similarly practical, evidence the good faith purpose of trustees and all connected with the institution, to make it what its name implies—a college, not only of agriculture, but of mechanic arts as well. All departments related to industrial pursuits demand and deserve favorable consideration by the general assembly.

I doubt the wisdom of duplicating unnecessarily the departments of our three great educational institutions. They should be in no sense rivals. The university should not be a school

of polytechnics, but in fact a university. The normal schools, assuming we must have more than one, should not be colleges of liberal arts, and neither the University nor the College of Agriculture and Mechanic Arts has place or room for chairs of pedagogy. Let the special field of each be kept distinct, and each perfected by liberal appropriations. Then all shall know where the object of their quest can be obtained, and the state will be able to furnish as good as the market affords.

I think the recommendations of the board of trustees are conservative, and that a special tax of one-tenth of a mill per annum for five years for improvements can be safely granted. I have no question as to the wisdom of a special tax of three-tenths of a mill for purposes of advanced education. One-tenth of a mill each for Normal schools, for the University, and for the College of Agriculture and Mechanic Arts, will place these schools in greatly improved condition at the end of five years, and will avoid appropriations in anticipation of revenues. This will annually yield something over \$50,000 for each, and will impose a tax of only 42 cents per annum upon the average quarter-section of land. The effect is the same as repeated annual appropriations of a like amount, but is preferable for the reason that it enables the regents and trustees to act intelligently. Knowing what can be relied upon, permanent plans can be formulated with the certainty of consummation. Nothing worthy of Iowa can be accomplished so long as the executive officers of these institutions are left in doubt regarding the future policy of the state.

This recommendation need not prevent some considerable reduction in the aggregate annual levy. The proposition simply contemplates the establishment, so far as it is possible for one general assembly so to do, of a policy that shall insure permanent improvements and avoid large appropriations to be raised or expended in any single year.

LAKE-BEDS.

At the time of the original survey of the lands of this state, quite a large number of shallow lakes and ponds were meandered, and the field-notes and the reports of the surveyors were made to show the location of these bodies of water. The wet and overflowed lands, as distinguished from meandered lakes, were actually surveyed, and were also appropriately designated. These swamp and overflowed lands were

granted, by an act of congress, to the state, and the legislature gave them, in turn, to the several counties in which they were situated. The meandered lakes, except in a few special cases, have never been the subject of state or congressional legislation. It is conceded, I think, that, as long as they remain lakes, they are subject to the exclusive jurisdiction of the state of Iowa. They are, in fact and admittedly, the property of the state. A number of these bodies of water, which were, at the time of the original survey, meandered and platted as lakes, have since become dry; some from natural causes, and some have been drained. Others are in process of drying out, and will doubtless at an early date become arable land. Considerable litigation has already occurred over the title to some of these lake beds, and much more is in contemplation. Many of the counties of the state in which swamp lands were situated transferred the same by blanket conveyances to land companies or individuals. These transfers were usually for little more than a nominal consideration, and it was evidently never intended to convey lands which had not been surveyed—which, so far as the state was concerned, did not exist. These meandered lakes were never considered in computing the land area of the state. The purchasers from these counties have, probably in every instance, received the full complement of lands intended to be conveyed, and no further equity exists. In some instances, counties have subsequently quitclaimed certain meandered lakes to private individuals or syndicates; but never having title thereto, and never having claimed title, none has passed, and no equity has thus been created. The holders of these quitclaims—I dare not call them purchasers, for they have never purchased; nor grantees, for nothing has been granted—have gone into the enterprise as a speculation; and while no criticism attaches to the transaction no sympathy should follow a failure to get something for nothing. To the end that the temptation to speculate in these lake-beds may be removed, and the property of the state conserved, I recommend that a legislative grant be made of all the lake-beds that have, or that may hereafter, become dry, either to the State University or to the State College of Agriculture and Mechanic Arts; or perhaps better still to both these institutions jointly; and that a commission be appointed to make selection from time to time, and report

the same to the executive council for confirmation, under such provisions for hearing and appeal as may be deemed wise in the premises.

Iowa is not possessed of a surplus of water surface, and all the ponds and lakes capable thereof ought to be preserved, and the commission should designate these in its report. All others should be made arable as speedily as practicable, and our educational institutions may be, I think, wisely made the beneficiaries of the fund available therefrom. I have no very accurate information of the extent of these lands, but from estimates, more or less reliable, I am of the opinion they will yield several hundred thousand dollars in the near future.

It should be made the duty of the attorney-general to prosecute or defend any suits necessary to the enjoyment of the grant by these institutions, for it must be borne in mind that the counties wherein the same are situated occasionally make claim thereto; in other instances title is predicated on quitclaims; and squatters claim some under the homestead acts; while adjacent land-owners in yet other instances claim them as accretions. A test case can be made to determine all these questions, and at nominal expense.

PARDONS.

It has been the custom for some years to release convicts, confined in our penitentiaries, upon parole, conditioned that they scrupulously absent themselves from saloons and places where intoxicating liquors are kept or sold, and in all respects demean themselves as worthy citizens. If the party violates these conditions, he is rearrested and returned to the penitentiary to serve the balance of his term. In the last ten years 664 suspensions of sentence for felony have been granted, and 269 for minor offenses. Of these only fifty-three have been revoked. Doubtless some more of the released convicts have resumed vicious practices without having been detected. A large percentage, however, have been restored to lives of usefulness, and the dignity of the law has in no measure suffered violence. I think the plan should be encouraged by express statutory provision, and I recommend, in case the offender violates the terms of his parole, that he be made to forfeit the good time he may have earned prior to his release.

Not only is exercise essential to life and happiness, but labor as distinguished from exercise is likewise necessary. Confined idleness tends strongly to insanity, as the records of all penitentiaries clearly prove. For the state to deny to the incarcerated the benefits and inspiration of cheerful, invigorating, productive labor, of some kind, is actually cruel. This being conceded, the problem becomes perplexing. Few, if indeed any, will favor placing the product of convict labor in competition with free labor. If, therefore, a system of parole can be safely inaugurated, and the released convict compelled to go to work at some respectable calling and continue thereat, and be required also to save some of his earnings, or give satisfactory reason for failure so to do, and to make regular reports of his doings, the amount of wages earned, and his expenditures thereof, and how he has invested his savings, the expense of his maintenance in the penitentiary will be saved to the state, the wealth of the world will be increased by the added product of his toil, and, better than all, the actual reformation of the convict will be effected. There is no safeguard against vicious practices equal to industrious and economical habits. When satisfactory evidence of merit is furnished by a record of honorable conduct, a full pardon should be granted, and the convict be restored to citizenship. There is a large number of inmates of the penitentiaries to-day, who can be safely paroled under such a system; and convictions are had every month of young men, who have heretofore borne favorable reputations, but who through idleness have drifted into bad company and evil habits. The arrest, the indictment, the trial, the shame, and the disgrace incident to conviction are frequently sufficient to effect a reformation, but under the present system a term in the penitentiary seems unavoidable. A suspension of sentence by the governor upon the recommendation of the trial judge, under conditions above indicated, should, I think, be authorized, and actual incarceration in many cases thereby averted. The most dreaded ordeal of the repentant convict must of necessity be the actual entrance within the walls of the penitentiary. The suspension of this can but be a great incentive to reform. In addition, it would afford public recognition that honorable surroundings and virtuous antecedents are worth something, even to a prisoner at the bar, and that previous good character will receive favorable consideration from the same bench that pronounces sentence. There however, are classes of crimes, especially larceny, robbery,

and burglary, the deliberate and habitual perpetrator of which should be kept in prolonged if not perpetual confinement. I see no reason why the maximum punishment in this class of cases should not be materially increased, and the limit universally imposed for second offenses, subject always to parole, and the constitutional exercise of executive clemency, upon satisfactory evidence of merit. Such a policy would present the alternative of permanent reformation or constant incarceration. In other words, the system of indeterminate sentence, as practiced in some states, impresses me as favorable and advantageous. The statute should not attempt to cover every detail of the parole conditions, but should leave much to the sound discretion of the chief executive, and subject to such modifications from time to time as experience might suggest.

INDUSTRIAL SCHOOLS.

In this connection, I recommend that the governor be authorized to release at his discretion, and upon the recommendation of the board of control, any inmate of either of the industrial schools, and that all persons confined in these institutions, male or female, be discharged upon attaining their majority.

MILITARY.

On the 25th day of April, 1898, the president of the United States made a requisition on Iowa for three regiments of infantry, and two light batteries of artillery, for service in the Spanish war. This order was subsequently modified to include four regiments of infantry, and the call for artillery was revoked. Afterwards a second requisition was made to increase the regiments from 884 to 1,336 enlisted men, and two light batteries of artillery were again included. Under these several calls, four organizations, numbered consecutively the Forty-ninth, Fiftieth, Fifty-first, and Fifty-second regiments of Iowa volunteer infantry, consisting of 216 commissioned officers and 3,120 enlisted men, and two light batteries of artillery, consisting of six commissioned officers and 220 enlisted men, were mustered into the service of the United States. The two batteries were subsequently discharged before leaving the state. The Forty-ninth regiment was sent first to Jacksonville, Fla., and thereafter to Cuba, where it did service during the winter of 1898-9, and was discharged at Savannah, Ga., on the 13th day of May, 1899. The Fiftieth

regiment was first ordered to Jacksonville, Fla., where it remained in camp for several months, when it was returned and mustered out at Camp McKinley, Des Moines, on the 30th day of November, 1898. The Fifty-first regiment was ordered into camp at San Francisco, Cal., where it remained some months. It was then conveyed to the Philippine Islands, where it rendered active service in suppressing Aguinaldo's insurrection, and was returned to San Francisco, Cal., and there discharged on the 2d day of November, 1899. The Fifty-second regiment was sent to Chickamauga, and there remained in camp until the 28th day of August, 1898, when it was returned to Camp McKinley, Des Moines, and discharged on the 30th day of October, 1898. The losses by death sustained by these regiments were as follows: The Forty-ninth regiment lost 54 men; the Fiftieth regiment lost 32 men; the Fifty-first regiment lost 41 men; and the Fifty-second regiment lost 36 men; total loss by death, 163. Words of highest praise of the troops furnished by our state have been heard from many sources. Brigade and corps commanders have spoken of the regiments and of their officers in most commendatory terms, and the conduct of the men, both in camp and on the firing line, was ever gentlemanly, soldierlike, and heroic. Iowa's military record, of which she has been and is so justly proud, has not suffered by reason of anything that has occurred in connection with the service of the men who volunteered at the call of the president of the United States in 1898.

In anticipation of the declaration of war against Spain, the Twenty-seventh General Assembly, shortly before its adjournment, appropriated five hundred thousand dollars (\$500,000), to be paid on the requisition of the governor "in the defense of the state and in aid of the national government in case of war." Of this sum, \$149,484.01 was used in equipping and furnishing the troops hereinbefore referred to; in caring for the sick in hospitals at home and in distant camps; and in supplying comforts for the men while in the service. A detailed statement of these expenditures will be found in the report of the adjutant-general, to which your attention is respectfully directed.

In the expenditure of this money, a liberal construction was given to the language employed in the appropriation, and no request for supplies of any kind by officer or enlisted man, either in camp at Des Moines or while in the service, was ever

denied. In addition, the several colonels were authorized to make expenditures, in the interest of the men of their commands, at any time and to any amount, provided only that the same should be indorsed and recommended by the surgeon of the regiment, and properly approved vouchers filed therefor.

In this connection it is proper to say that several organizations of women within the state, notably the Red Cross and the Iowa Sanitary Commission, rendered very valuable services in caring for the sick. The government opened a hospital at Des Moines, which was operated jointly under its management and that of the state. To expedite matters and insure prompt and ample services on the part of nurses and physicians, the state primarily paid the bills connected therewith, first seeing that they were approved and indorsed by the federal officer in charge. Of the \$149,484.01 expended by the state, \$91,483.78 has been refunded by the general government. The balance is now pending as a claim before the department, but it will require additional congressional legislation to authorize the payment of some considerable number of the items.

Under the terms of the act of congress authorizing the organization of an army for service in the Spanish war, the Fifty-first Iowa was entitled to discharge upon the exchange of ratifications of the treaty of peace between Spain and the United States, which occurred on the 11th day of April, 1899. But at that time their services were needed in the Philippine islands, and both officers and men, with commendable patriotism, asked not to be discharged, as was their right, but continued voluntarily in the service until congress had made provision therefor, and a new army had been organized to take their place. In recognition of this service, a plan was devised to bring the members of this regiment from San Francisco, Cal., where they were discharged, to their homes, primarily at private expense, but in the expectation that the state would reimburse. In pursuance of this plan, an opportunity was tendered the banks of Iowa to contribute to the cause, and in this way the requisite amount, \$38,655.92, was secured, and transportation home was furnished each officer and enlisted man of the regiment. Vouchers for these expenditures, together with a list and schedule of the banks and private individuals who contributed the funds, are on file in my office, and may be there examined, or copies will be furnished, if it

shall be your pleasure. The other regiments, with equal bravery, with equal fortitude, and with equal patriotism, stood ready to go anywhere, at any time, and face any foe, but circumstances permitted their discharge within the limit of the time for which they were enlisted.

I recommend that the state make recognition of the patriotism manifested by the men of the Fifty-first regiment, in thus volunteering their services during the rainy season in a tropical climate, after they were entitled to their discharge under the terms of the act of congress which authorized their enlistment, and their consequent service in two wars, by reimbursing the several banks and private individuals who have so generously contributed; thereby, in fact, returning these sons of Iowa to their homes at the expense of the state.

Lest this may seem to show partiality for one regiment when all are equally worthy, I suggest that both the Fiftieth and Fifty-second regiments, while in camp at Des Moines shortly before their discharge, were granted a furlough, and the men were issued transportation to their homes and return at the expense of the state, and after muster-out transportation was again furnished both officers and men to their respective places of residence. I have assurances from the war department that travel-pay and ration allowance from Des Moines to their homes will yet be paid the members of these regiments. The Forty-ninth is the only regiment for which no gratuitous transportation was furnished after it was mustered into the service of the United States. If now paid what it would have cost the state to return them from Savannah, Ga., where discharged, to their homes, it would afford an evidence of appreciation of valuable services rendered beyond the United States.

IOWA NATIONAL GUARD.

The experience of the last two years has demonstrated the wisdom of some modification in our national guard laws. Under the call made in 1898, the four regiments of the Iowa National guard were transferred to the United States service under their then existing organizations. This left two brigadier-generals and their staff officers unprovided for. These offices should, I think, be abolished. Otherwise, whoever is advanced to the highest position in the guard will be left at home whenever the

president makes requisition upon the state for regimental organizations.

No better regiments were probably ever mustered than the four contributed by Iowa to the Spanish war. At least two of the colonels were referred to, by different generals of high rank in the regular army, as the best volunteer officers they had ever seen. I have always insisted, and still believe, that if they could have been promptly sent to the front, in view of the training they had previously received, they would have made a record worthy of like organizations in the regular army. The discipline manifested in camp life, as well as the fortitude displayed during all the ordeals through which these several regiments passed, justifies the highest esteem for both officers and men. Nevertheless, they were without military reputation at the time the earlier brigades and corps were being formed, and were therefore left in camp while other regiments with experienced officers were selected for service. No corps, division, or brigade commander will ever choose a regiment with an unknown colonel, so long as he can make selection of officers who have had actual experience, or professional military training.

The government, at no small expense, maintains a military academy at West Point for the express purpose of training men for service in the army. Either this school is a failure, or it is serviceable; and if the latter, then graduates therefrom may be safely presumed to be better qualified to command a regiment than men fresh from civil life. Iowa has never been slow to keep her full quota of cadets in this school; and the young men who are able to obtain admission thereto are not drones or weaklings, neither do they lose their citizenship by service in the regular army. I see no valid reason why Iowa should cease to respect, or fail to make use of, her specially trained sons to command her troops in case of war. I therefore recommend that the office of colonel be left vacant, to be filled by appointment in case of transfer to the United States service, or that a new election be ordered in case of a requisition from the president, and that the regiment be restricted by statute in its selection of a colonel to a graduate from the government school at West Point, or to an experienced field officer

of a previous war. This should not be understood as a criticism of the officers who have so efficiently commanded the regiments recently furnished. It is not so intended. The proposition simply suggests the choice between sending a regiment forward under the command of an officer who is known to have had military training, and sending it under one of unknown ability.

Very few volunteer regiments in the recent war were given an opportunity to distinguish themselves; and, in each instance, I think, these more fortunate organizations were under the command of men who had previously served the government in other relations, and who were known to possess distinguishing qualifications. Camp duty is the most dangerous detail that a regiment can have. As an illustration of this, the Fifty-first Iowa remained in San Francisco, supposedly the most healthful and invigorating climate in the world, for five months and lost twenty-nine men. It then went to the front, spent the rainy season in the tropics, forcing jungles and wading swamps and bayous, fought in fifteen battles, and in twelve months lost twelve men.

I prefer to see subsequent regiments from this state, should other wars ensue, serve on the firing-line, under the command of sons of Iowa who have been educated at West Point, or who have seen actual service as field officers, rather than have them languish in camps, and I know of no plan to insure the consummation of this wish other than the one suggested.

DISEASED CATTLE.

Some years ago the government effectually eradicated pleuro-pneumonia among cattle. This was not accomplished, however, without much apparent loss to the owners of stock, but the result inured greatly to their benefit. More recent investigation has demonstrated the presence, to some considerable extent, of tuberculosis among all grades and conditions of cattle in this as well as in foreign countries. Some students of the disease insist that its eradication would successfully check the ravages of consumption in the human family. It is but natural, however, that others repudiate and scoff at these voices of warning. The disease is admittedly deceptive. Outward appearances seldom give any indication of its presence.

Only in severe cases is the meat so affected as to render it unfit for food. Recently, a herd belonging to the state and kept at one of our institutions was examined, and twenty-four out of thirty-eight gave evidence of disease, and were ordered killed. Out of this number, the government inspector, after examining the carcasses, condemned thirteen as wholly unfit for purposes other than the manufacture of fertilizers. Not long ago one of the principal packers of the country purchased a carload of apparently healthy steers, which bore no outward indications of disease, but when they were slaughtered the inspector condemned eleven of the carload to the fertilizer tank. Some quite startling results have followed the feeding of milk from cows affected with tuberculosis to pigs, and the injection of it into the veins of rodents. I have the promise that an extended series of experimentation along these and kindred lines will be prosecuted at the College of Agriculture and Mechanic Arts during the current biennial period. Until it shall be demonstrated that the offspring of cows thus affected is likely also to be diseased, I am not ready to advise the slaughter of breeding stock, at least of beef herds. I do, however, believe it not only wise but very important that the sale of milk from cows affected with tuberculosis be prohibited by statute, and adequate penalties provided for its violation. Whatever risks one may be willing to take himself in the use of untested milk, certainly none should hesitate to protect unsuspecting families and helpless children. Provision should be made, I think, for the annual examination of all cows from which milk is sold or offered for sale. A moderate fee should be fixed by statute for such examination. I think provision should also be made for the preservation, under quarantine regulations, of such animals as may be required for scientific experimentation. The effect of the disease upon milk products and the danger from contagion and infection must be speedily and scientifically demonstrated so that future general assemblies may act intelligently. In the meantime, the public should be protected from what is now claimed to be a very fruitful source of disease.

The frequent and constantly increasing demand for the services of the state veterinary surgeon suggests the wisdom of providing permanent quarters for this officer at the state house.

I therefore recommend that he be permanently located in connection with the board of health, and that requests for his services be directed to that department. It is probable no additional clerk hire would be occasioned, and the needs of the public would be much better served.

FISH AND GAME WARDEN.

The report of the fish and game warden is worthy of your perusal, and his recommendations should receive consideration. Formerly the state expended considerable money in the propagation of different species of game fish. This has been largely superseded by a resort to natural sources of supply. There is a large number of bayous along the Mississippi river, which fill at certain seasons of the year, and as the water recedes the outlets are closed and the bayous are left swarming with game fish, from a pound or more in weight to the smallest fry. The state warden has, during the last few years, seined from these bayous an estimate of 4,000,000 of these fish, which have been transported in a car constructed for the purpose, and placed in various streams, lakes, and ponds in different parts of the state. Many of these were large enough to take the hook. The supply is inexhaustible, and affords a much cheaper and a more effective method of stocking the waters of the state than propagating in the old way. The fish, if not seined out, perish during the winter, and notwithstanding the large number taken tons of them decay every spring on the banks of these bayous. Additional facilities for transporting these fish ought to be provided, and the biennial appropriation should be increased sufficiently to save to the state a considerable portion of this annual loss, the value of which it is impossible to estimate. The railroads, or at least many of them, generously offer free transportation for these fish when they are enroute for waters along their respective lines.

In view of the fact that the supply of these fish is so extensive, I think it would be safe to lodge with the fish and game warden authority to dispose of any surplus not required for our waters to other states, or to private individuals, thereby preserving a large quantity of wholesome food and at the same time affording some slight revenue.

Some modification of our laws for the protection of both fish and game ought also to be made. At present there is no provision for any compensation or salary for deputy wardens and they are without authority to make arrests. I recommend that these deputies receive in full for their services an amount equal to one-half of the fines imposed under prosecutions instituted by them; and I suggest, also, the wisdom of clothing both the warden and his deputies with the authority of peace officers while in discharge of their official duties. The deputies, I think, should be required to give bond and make report of their doings to the warden. An amount equal to one-half of the fines imposed under prosecutions instituted at the instance of the warden himself might, also, I think, safely go to swell the sum of the appropriation for his office, to be used under his discretion and accounted for.

For the better preservation of the quail, in this state, I recommend that their destruction by any method be prohibited at all times when there is snow on the ground. Such a provision added to the present law would protect these choice birds from wholesale slaughter. I further recommend that the sale of quail during the closed season be prohibited, as absolutely essential to the enforcement of the present law.

Some of our adjoining states exact a license fee from non-resident hunters. This has resulted in some of our citizens, who own land in adjoining states, being arrested and fined for shooting upon their own inclosures, even during the open season, and simply because they were nonresidents; while, at the same time, any person was permitted to hunt, without restriction, anywhere in Iowa. I recommend that the game within this state be protected against nonresident hunters by the imposition of penalties similar to those which confront our citizens when they seek shooting grounds beyond state lines.

I further recommend that seining from that portion of the Mississippi river under Iowa jurisdiction be prohibited at all seasons. Sister states have protected the fish in the waters to the eastward of the center of the channel by similar legislation, and a spirit of reciprocity would seem to dictate a like course by the legislature of this state.

MONUMENTS.

On the 6th and 7th of April, 1862, a tremendous battle was fought near the Tennessee river, at a log church that was called

the Shiloh meeting-house. At that time Iowa had fifteen infantry regiments at the front. Eleven of these participated in this battle; and it is generally conceded that the Iowa troops, by their heroic stand at what the rebels called "The Hornets' Nest," saved the federal army from destruction and overthrow. The severity of this battle may be judged of by the fact that the Union army lost, in killed, wounded and missing, 13,047 men, of which 2,409 were from this state, 33 per cent of the combined Iowa forces participating. General Beauregard marched 40,000 men into that battle on the 6th, but returned to the encounter on the morning of the 7th with his remnant of 20,000. So says Grant in his Memoirs. The government has purchased this battle field for a national military park; and officially appointed representatives of the several Iowa organizations that took part in the engagement have located the position of their respective regiments.

The government has also established a national military park and cemetery on the grounds where the important battle of Chattanooga was fought, in which ten Iowa regiments took an active part, and where nearly 400 members of these organizations were either killed or wounded. The positions of these several regiments have also been located and temporarily marked by a commission appointed for the purpose.

Other states have erected, or have in process of construction, appropriate monuments both at Shiloh and Chattanooga, commemorative of the bravery and heroism of their soldiery. Iowa should speedily do the same. In these heroic times, the sentiment of the state will, I think, indorse as liberal appropriations as have been made by other states.

In this connection, it may not be out of place to urge upon your attention the fact that the government has also made provision for a national park at Vicksburg, and the ground embraced within that memorable siege and battle field is being purchased. I recommend that a commission be authorized to locate the position of the thirty-one regiments from Iowa which sustained the honor of the state, and the integrity of the nation, in that decisive conflict, and that an appropriation be made sufficient to pay their actual expenses, to the end that at the proper time suitable memorials may be there erected also.

HISTORICAL DEPARTMENT.

The executive council and the curator of the historical department of the state, in obedience to provision made therefor by the Twenty-sixth and Twenty-seventh General Assemblies, purchased, during the period, a site and have erected thereon a memorial, historical, and art building. The lots selected are directly northeast of the capitol square. The building is fireproof, constructed of limestone from the quarries of this state, with a base course at the frost line of Iowa granite, and finished and ornamented with Iowa marble. It is so built that it can be readily enlarged whenever required to meet the growing demands of the department. The contracts were conservative, and it was confidently expected the building could be completed within the appropriation, but unexpected delays necessitated the continued employment of the superintendent beyond the period at first contemplated. This increase, together with the expenses of laying the corner-stone and some other minor matters and slight internal changes, will call for an expenditure exceeding the appropriation by from \$200 to \$500. In addition, it has been recommended that a portion of the rooms be painted and decorated, which will cost \$1,000 or \$1,500. I recommend an appropriation of \$2,500, or so much thereof as may be necessary to complete the structure in a desirable and presentable manner. The building will be ready for occupation within a very brief time, when the curator will vacate the rooms he now occupies in the basement of the capitol, and take possession of this new structure, where he will be able to display his interesting collection in such manner as to be of service to the public, and where it will invite valuable donations from both public and private sources. It is probable that some furniture, cases, etc., will be needed, for which, and to cover the cost of removing the collection, I recommend a small appropriation. There should also be a limited addition to the annual allowance for help in the department.

PURCHASE OF MORE GROUND FOR THE STATE.

When the present capitol was built, it was believed to be as commodious as the needs of the state would ever require. It has now been occupied sixteen years, and several of the departments are seriously congested. An arsenal is needed for the accommodation of the adjutant-general's department.

Storage of quartermaster supplies is now provided in a building rented for the purpose. It was found necessary to locate the board of control in committee rooms back of the senate chamber, which cannot well be spared from their designed use during the session of the general assembly. A warehouse, for the storage and proper distribution and reshipment of supplies for the various institutions under the management of the board of control, is much needed, and should be provided at an early date. A new building for the memorial, historical, and art department has been erected, and partitions and changes in various offices have been found imperative to make room for the several departments connected with the state government. Evidently additional buildings will be needed in the near future, and these, when erected, should be fireproof, and of substantial and presentable architecture, and should be so located as to improve and add dignity to the present capitol.

I recommend that the two blocks directly north of the capitol grounds be immediately purchased, or obtained under condemnation proceedings. Nothing will be saved by delay, and the erection of substantial buildings by the owners upon this property may materially add to the expense. Location of public buildings is a matter of prime importance, and I think it will be conceded that these two blocks are very desirable. No location is too good for Iowa, and none but the best should be considered.

FREE SCHOOL LIBRARIES.

As directed by joint resolution of the Twenty-seventh General Assembly, the superintendent of public instruction has carefully investigated the question of free school libraries. His conclusions will be found in the biennial report of his office, to which your attention is respectfully directed.

The question involved is of great importance. The young are quite liable to fall into the harmful habit of reading everything of a light, trivial, and frivolous character that comes within their reach, or the somewhat greater danger of reading nothing. The fact that one may read too much, or that the character of his reading may not be of the best, should not deter you from making such provision as in your judgment will place an abundance of good literature in easy access of all the people of this commonwealth.

BUREAU OF LABOR STATISTICS

A bureau of labor statistics was created by the Twentieth General Assembly, which was placed under the control of a commissioner appointed by the governor. The duties imposed by the statute are numerous and complicated. No authority, however, is given the commissioner to interfere in any manner with controversies that may arise between employers and employes, or to indulge a sound discretion in any particular. The office is purely clerical, and the annual appropriations have never been sufficient to secure reliable data so as to render the biennial reports of any material service to the cause of labor, or to students of economic questions. The bureau, I think, should be abolished or modified. I recommend the latter. Instead of being simply a bureau of labor statistics, why not make it cover statistics generally, which would include everything affecting labor, and many other interests as well? The commissioner should be appointed, subject to confirmation by the senate, or other means provided to render the tenure of office somewhat more assured. Only in this way can the services of a scientifically educated and trained statistician be obtained. There is much information contained in existing reports, and vastly more available from other sources, which, if properly compiled and tabulated, would be of great value to the people of our state. It might not be feasible to cover each important item biennially, but an annual report should be published embracing a number of subjects; then, if sufficient discretion be given, in a few years there will be, within easy access of every student of economics, what can now be obtained only by a research extending over several decades and through innumerable volumes of musty records. Much new matter, in addition, can be collected from sources not now available and presented in inviting and comprehensive form. No subject more than statistics demands special skill and training. General intelligence, knowledge of many subjects, or a conscientious effort to do well is not enough. To make the bureau of value it must be placed in the hands of an expert statistician.

BUILDING AND LOAN ASSOCIATIONS.

Insufficient protection for the people of our state, against reckless investments by nonresident building and loan associations, is now afforded by our laws. Instances have repeatedly been brought to my attention where the holders of stock in these foreign associations, have paid all their contracts require, and thereafter assessments have been made of more than 25 per cent of the withdrawal value. I think it would be well to safeguard our people by somewhat more advanced legislation on the subject.

There is now no provision for winding up the affairs of a solvent building and loan association, which may, for any reason, desire to go into voluntary liquidation. If a company be compelled to close out its business in detail, and in the order in which it was acquired, when there is no longer the incentive to economy which existed when the enterprise was launched, the assets of the company will be exhausted long before the last share of stock matures.

It is not unlikely that existing associations may find it convenient and desirable to transfer their liabilities and assets to other companies, and provision therefor can be, I think, safely and advantageously made.

LINSEED OIL.

I recommend a modification of chapter 52, acts of the Twenty-seventh General Assembly, being "an act to prevent the adulteration of, and deception in, the sale of linseed and flaxseed oil, and to regulate the sale thereof." It is difficult to obtain evidence sufficient to justify prosecutions under this chapter, for the reason that the only prohibition is couched in the clause forbidding the sale of compounds or adulterations "under the name or description contained in the words 'linseed oil' or 'flaxseed oil.' " If the vendors of paint oils were required to attach a label to the receptacle in which the oil is delivered to the purchaser, designating the article sold as "pure flaxseed oil" or "compound oil," as the case might be, the statute would be rendered much more effective. If the attempt is to be made to safeguard the purchaser against imposition, the statute should be sufficiently comprehensive to furnish adequate protection.

OIL INSPECTORS.

Some slight amendment should be made to section 2507 of the code, which has reference to the compensation and expenses of oil inspectors. The section reads as follows: "Should any inspector pay out more money in any one month for necessary expenses incurred, for prosecutions for the violation of the provisions of this chapter, or for necessary help in branding barrels, than fees collected, such excess shall be refunded to him on his filing a sworn itemized statement with the governor, showing fees collected and expenses paid or incurred, which statement must be approved by the governor." It was evidently intended that the auditor should issue a warrant for such excess, but the statute does not so provide. A better plan, in my opinion, would be to authorize the inspectors to retain only their necessary expenses, and provide for the payment of their salaries based upon the amount of fees collected by warrants drawn by the auditor upon the certificate of such officer as may be charged with the responsibility of auditing the monthly report of the inspectors. This will insure the examination of these reports. As the law now stands, there is no statutory requirement of any official supervision, except in instances where the salary and fees exceed the amount collected.

EXPERT EXAMINATION OF BOOKS.

The statutes of the state contemplate an annual examination of the books of the various state offices and departments, but fail to provide a fund from which the services incident to such examination can be paid. At the beginning of the year 1899, competent accountants were employed and the books of the following offices carefully examined: Clerk of the executive council, secretary of state, auditor of state, clerk of the supreme court, attorney-general, adjutant-general, custodian, superintendent of public instruction, railroad commissioners, board of health, historical department, mine inspectors, pharmacy commission, dairy commissioner, commissioner of labor statistics, geological department, and library. The expense of these examinations amounted to \$550, which has not been paid for reasons above stated. As a matter of business protection, similar examinations ought to be made annually, and

should be provided for by necessary appropriations. The expense is small compared with the protection thereby afforded. I recommend an appropriation sufficient to pay the expense already incurred, and that authority be given the executive council to discharge similar bills in the future.

EXECUTIVE COUNCIL.

I recommend also that a reasonable discretion be given the executive council in some other matters. The statute now authorizes the purchase of office furniture and supplies, but requires the contract to be let to the lowest responsible bidder after due advertisement. This is impracticable in many instances. No state officer, nor all combined, can purchase so much as postage stamps, if the mandates of the statute be followed, without first advertising for bids; and the furniture and fixtures in the various offices cannot be repaired, for there is no fund from which to pay for the same. New typewriters, for instance, can be purchased, but those now owned by the state cannot be repaired. I recommend the appropriation of a limited amount to be used for miscellaneous purposes at the discretion of the executive council.

INSURANCE REPORT OF AUDITOR OF STATE.

The state auditor is required to make to the governor an annual report of all insurance companies operating in this state, setting forth a general summary of the business done and the financial condition of each. The statute expressly provides that this report shall be published in a single volume. This document is seldom sought except by insurance companies or persons engaged in that business. Life companies have no need for, nor do they desire, that part of the report relating to fire insurance; and persons interested in fire insurance care only for that portion which relates to their branch of the business. In practice, the companies obtain these reports, tear out and destroy the portion not desired, and have the balance rebound before sending to their agents, saving in postage thereby enough to pay the expense of rebinding. The number of reports authorized by law is insufficient to meet the demands of the public; but, if authority were granted to have at least a portion of the reports bound

separately, no additional expense of printing would be incurred; and the increased number of volumes thus occasioned would be sufficient to meet all demands.

BINDING REPORTS.

Section 125 of the code provides that 500 copies of the message, the inaugural address, and each of several enumerated reports shall be bound in cloth, and that all others, not included in volumes of "Iowa Documents," shall be bound in paper. At least a portion of the reports of the attorney-general, of the adjutant-general, of the board of control, and of the geological survey should be, I think, also bound in cloth. Discretion might be safely allowed the executive council in regard to others not enumerated. Permission might be also extended to have separately bound a limited number of the portions of the report of the board of control relating to the several institutions, to meet specific demands.

There is a strong probability of an unusual demand for the current report of the adjutant-general. The largest number which can be printed under the existing law is 4,000 copies. Under ordinary conditions this is enough. I recommend special provision for printing at this time 5,000 extra of the historical portion of this report, and that they be bound in cloth. This will enable the adjutant-general to furnish each of those who served in the volunteer army of the United States during the past biennium a permanently bound copy.

INTEREST ON EDUCATIONAL FUNDS.

By the terms of the federal grant of lands in aid of a college of agriculture and mechanic arts, the proceeds of these lands were made a perpetual fund, and the state is required to make good any losses, and is charged with an annual income thereon of not less than 5 per cent per annum. The statutes of the state require that this money shall be loaned upon mortgages bearing not less than 6 per cent interest. The unexampled prosperity of the country, and the incident surplus of capital, have rendered it impossible to obtain the rate of interest fixed by law, and there is now in the state treasury more than \$150,000 which the statutory restriction as to rates

renders it impossible to invest, and on which the state is paying 5 per cent under the provisions of the federal statute.

I recommend that permission be granted to invest all our educational funds at current rates of interest.

OFFICIAL BONDS.

The question of official bonds impresses me as worthy of your consideration. The operation of guarantee companies within this state is authorized by law, and persons charged with the responsibility thereof are empowered to accept the obligation of these associations and companies. The facilities for obtaining surety, without asking individual friends, being thus within the reach of those elected to official position, renders it more embarrassing to pursue the course previously necessary. The bond of the treasurer of state is fixed by statute at \$300,000, and the minimum charge for this amount of indemnity by any reputable guarantee company would, until recently, have been \$1,100 per annum. The salary of the treasurer of state is fixed by statute at \$2,200 per annum, which is insufficient to justify such an expense. It follows that the friends of this officer must tender personal security which has a market value of \$1,100 per annum, and the treasurer is constrained to accept this gratuity solely because his salary will not justify his independence.

The Twenty-seventh General Assembly levied a special tax upon foreign insurance companies. The insurance companies paid to the treasurer of state over \$300,000 in pursuance of this law, pending suit to test the constitutionality of the act. Fortunately for the treasurer, the statute was sustained. If it had not been, as expressly stated in the opinion of the supreme court, the treasurer would have been liable upon his bond to the insurance companies from whom he had received this money for the full amount thereof. If he had refused to collect it, he would have been likewise liable to the state, and might have been impeached. It follows that the risk assumed is not predicated solely upon the question of dishonesty. I have instanced the case of the treasurer of state as an illustration of the hardship of requiring a public officer with a meager salary to pay for his own bond, and also to show that the utmost good faith may not in all cases avoid a liability.

I recommend that sureties upon official bonds be procured at the expense of the state, county, or municipality served. A maximum rate should be fixed, and this maximum which the public should be called upon to pay should be the minimum at which any reputable company will furnish a bond of like amount under the most favorable circumstances. Then, if the officer's previous record or the methods of his office be such as to require a higher rate, the fault is his own, and he should bear the additional burden. This may seem an extra charge upon the public, and might suggest at first blush an increase of defalcations. I think quite the opposite would be the result. These guarantee companies watch the conduct of those for whom they have become security much more closely than do individuals, and are far more exacting in many ways than neighbors and friends. This increased surveillance is worth all it costs the public.

TREASURER OF BOARD OF CONTROL.

It is the present practice to examine quarterly the accounts of the state treasurer with special reference to the funds belonging to the various institutions under the management of the board of control, as well as those connected with the general revenues. I think the recommendation of the treasurer of state that this should be made a statutory requirement is worthy of your consideration.

GOVERNOR'S SALARY.

The salary fixed by law for the chief executive of the state is now \$3,000. In addition, it has been customary for the general assembly to specially appropriate \$500 per annum for work on the executive council, and \$50 per month for room rent. This is manifestly below the necessary expenses of a family in the city of Des Moines maintained amid surroundings becoming the office. I question whether the people of the state would be satisfied to have their chief executive live in rooms that can be rented for \$50 per month. Most of the states of the United States have executive residences, furnished and maintained largely at state expense. If this shall not be the policy of Iowa, sufficient should be provided, I think, to pay the rent of a suitable residence.

The judges of the supreme court and the attorney-general each receive \$4,000 per annum, and by common consent are excused from many demands legitimately made upon the time and resources of the chief executive. Most of these officers reside outside of the capital city, where they can live much cheaper and give at least some little attention to private affairs. The board of regents found it impossible to obtain a president for the State University, of recognized ability and standing in his profession, for less than \$6,000 per annum, with the tacit understanding that it should be increased within a limited period to equal the salary paid by most other states for similar services. The salary of the chief executive of Iowa is far below that paid in most of the states. One prosperous commonwealth, however, until recently paid only \$1,000 per annum, and relied upon men of immense wealth to fill the office; and while there has been no dearth of candidates a large number of competent men were necessarily barred from aspiring to such honors.

I recommend that the salary of the chief executive of Iowa be increased, and that such provision for a suitable residence be made as may seem to comport with the dignity of the state. This increase of salary, however, should begin January 1, 1902. It would be inappropriate to increase the salary of any officer during the term of office for which he has been elected; and if that were done in this instance the present incumbent would not accept the same.

PRIZE FIGHTING.

There is at present a statute prohibiting what is called "prize fights," but the language employed is not sufficiently comprehensive to be effective. In order to be brought under the purview of the inhibition, the contest must be for a prize, and the winner must receive more than the loser, else there is no prize. In practice, the law is evaded by designating the fight as a contest of a limited number of rounds (no matter how many), and a written contract that the participants shall receive equal or stipulated sums in no manner made to depend upon results. Then the actual terms are arranged on the side. The statute should forbid contests where physical injury, pain, or exhaustion is manifestly involved and contemplated.

I recommend that the brutal practice be either effectually suppressed on Iowa soil, or that the present inefficient statute be repealed. Of course, I prefer the former.

CORPORATIONS FOR PURPOSES OTHER THAN PROFIT.

The code of 1897 contains provisions for the creation of corporations for the establishment of churches, colleges, libraries, and fraternal societies, and for many other charitable, scientific, political, athletic, military, and religious purposes, which, according to the language of the statute, "may take, by gift, purchase, devise, or bequest, real and personal property for purposes appropriate to their creation." There is, however, no statutory provision for mortgaging or exchanging the property thus acquired. While these associations are not formed for the purpose of buying and selling property, yet common experience, I think, justifies the recommendation that provision should be made for alienating or incumbering such property, as the demands or wishes of such societies may dictate. This may be included in the implied powers of corporations generally, but not more so in this class than in those organized for purposes of pecuniary profit; and, as authority to dispose of property is expressly given the latter, all doubt would be removed if the same prerogative were extended to these none the less important organizations.

NOTARIES PUBLIC.

The statute now allows a notary public to officiate in any county adjoining that of his residence, after having first filed with the clerk of the district court of such county a copy of the certificate of his appointment. I think the law should be so amended as to require a record of this extended official authority to be made in the office that issued the original, and I respectfully suggest the propriety of having the certificate authorizing official acts in this enlarged territory issued from the office of the secretary of state, instead of, as at present, by the clerk of the district court. By this means only can the extent of authority of all notaries public be promptly investigated and determined.

The term of office of all notaries public is made to expire on a single date. Would it not be well to graduate the fee charged

for commissions, so as to allow those who have only a limited period to serve, to pay somewhat less than those for the full term?

COMMISSIONERS IN FOREIGN COUNTRIES.

Chapter 14 of title III authorizes the governor to appoint commissioners in other states empowered to administer oaths, take depositions, certify affidavits, and take acknowledgments or proof of deeds and other instruments for use or record in this state. Some of the other states of the Union have made provision for the appointment of such commissioners resident in foreign countries. At present such papers may be executed before any diplomatic or consular representative of the United States, who is authorized to issue certificates under the seal of the United States. It has been suggested that, in many instances, it would facilitate business transactions to have such commissioners appointed for the state of Iowa, resident in foreign countries and in the distant possessions of the United States, and I submit to the general assembly the wisdom of making provision therefor.

CONSTITUTIONAL CONVENTION.

In accordance with the requirements of section 3 of article 10 of the constitution of Iowa, the question of holding a convention for the purpose of revising the fundamental law of the state will be submitted to the electorate at the next general election. It will, therefore, be incumbent on the present general assembly to make provision for canvassing the vote on that proposition.

CONCLUSION.

In the confidence that the Twenty-eighth General Assembly will sustain the reputation enjoyed by its predecessors, and as justified by the legislative history of Iowa, the foregoing observations are respectfully submitted.

Leslie M. Shaw

JANUARY 8, 1900.

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